

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.6594/2006.

Santra Devi

Vs.

Project Engineer Raj.Housing Board and ors.

Date of Order:- 10/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Sunil Kumar Singodiya for the petitioner.

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The writ petition has been filed challenging the order of the State Consumer Disputes Redressal Commission, Jaipur dated 24/5/2006 (Ann.4) whereby, it has refused to proceed against the respondents in proceedings under Section 27 of the Consumer Protection Act, 1986 while upholding the order dated 14/9/2003 (Ann.3) of the District Consumer Forum, Jhunjhunu.

Learned counsel for the petitioner has cited the judgment of the Madras High Court in I(1997) CPJ 506 : Managing Director, Nadippisai Pulavar K.R. Ramaswamy Sugar Mills Vs. A.Fareed Bawa & Anr.

Having heard learned counsel for the petitioner and perused the material on record as well as the citation aforesaid, I find that attention of the Madras High Court does not appear to have been invited to Section 21 (b) of the Consumer Protraction Act, 1986 which inter-alia provides that National Commission shall have the jurisdiction to call for the record of the State Commission in revision petition preferred to it against the order of the State Commission.

From the above, it is clear that petitioner has an alternative remedy of revision to be filed before the National Commission. Without however exhausting that remedy, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

In view of the above, therefore, the writ petition is not maintainable. The petitioner would be at liberty to approach the National Commission by filing revision petition.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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